

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN PONCE,

Plaintiff,

No. 2:94-cv-1630 GEB DAD P

vs.

ANA M. OLIVAREZ,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2013, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1           1. The findings and recommendations filed August 12, 2013, are adopted in full;

2           2. Plaintiff's May 1, 2013 statement (ECF No. 15) is construed as a motion to lift  
3 the stay of this action and, so construed, the motion is denied and this action is dismissed for the  
4 reasons set forth in the August 28, 2012 findings and recommendations issued in Case No. 2:94-  
5 cv-1298 GEB DAD P and the order adopting those findings and recommendations. (See Case  
6 No. 2:94-cv-1298 GEB DAD P, ECF Nos. 297 & 302.)

7 Dated: September 19, 2013

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10 GARLAND E. BURRELL, JR.  
11 Senior United States District Judge  
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